



City of Carmel

CARMEL PLAN COMMISSION SPECIAL STUDIES COMMITTEE

TUESDAY, MARCH 2, 2010

CAUCUS ROOMS, 2nd FLR
CARMEL CITY HALL
ONE CIVIC SQUARE
CARMEL, IN 46032
6:00 PM

Committee Members Present: Rick Ripma, Kevin "Woody" Rider, Steve Stromquist,
Sue Westermeier

Committee Members Absent: Jay Dorman

DOCS Staff Present: Director Michael Hollibaugh, City Planners Christine Barton-Holmes and
Angie Conn, Urban Forester Scott Brewer, Rachel Boone, and Legal Counsel
John Molitor

Also Present: Ramona Hancock, Plan Commission Secretary

NOTE: There was discussion regarding re-ordering the Agenda for the meeting so that Docket No. 09100009,
Long Branch Market w/Kroger could be heard last, since it was anticipated to be a lengthy Docket.

Motion: Woody Rider, "to re-order the Agenda and hear Docket No. 01900009 DP/ADLS, Long Branch
Market with Kroger as the last item of business this evening;" seconded by Steve Stromquist, Motion Approved
3 in favor, 1 opposed (Westermeier.)

The Special Studies Committee considered the following items:

1. Docket No. 10020005 ADLS Amend: USIC – Signage

The applicant seeks approval for a new wall sign for United States Infrastructure Corporation. The site
is located at 13085 Hamilton Crossing Blvd. and is zoned B-5/Business within the US 31 Overlay. Filed
by Don Miller of A Sign By Design on behalf of the owner.

Present for Petitioner: Don Miller, A Sign By Design, 1725 West 106th Street, Zionsville

Overview:

- Request wall sign for exterior tenant building
- Multi-tenant office building
- Sign to be installed on east façade
- Illuminated channel letters "USIC"
- Shows white at night

Dept Report, Rachel Boone:

- Sign is 60 square feet, 140 sq ft is allowed
- Sign is back-lit
- Only the letters illuminate at night
- Dept recommends approval

Motion: Woody Rider “to approve Docket No. 10020005 ADLS Amend, USIC – Signage as presented to the Committee;” seconded by Sue Westermeier, Approved 4-0

2. Docket No. 10020006 ADLS Amend: Fat Atom Internet Marketing – Signage

The applicant seeks approval for a new projecting sign. The site is located at 12 W. Main St. and is zoned B-2/Business within the Old Town Overlay, Main Street Subarea district. Filed by Todd Muffley of Fat Atom Internet Marketing.

Present for Petitioner: Todd Muffley, Fat Atom Internet Marketing, 12 West Main Street

Overview:

- Sign will be projecting
- Sign will be black/white—non-illuminated
- Decorative black support bracket affixes sign to wall

Dept Report, Rachel Boone:

- Sign is 7.33 square feet—20 square feet is allowed
- Projecting Sign is in Old Town
- Sign replaces “Mary Kissel Photography” sign
- Dept has no issues and recommends approval

Motion: Woody Rider “to approve Docket No. 10020006 ADLS Amend, Fat Atom Internet Marketing Signage as presented to the Committee;” seconded by Sue Westermeier, Approved 4-0.

3. Docket No. 10020007 ADLS Amend: Spring Mill Medical – Signage

The applicant seeks approval for two new ground ID signs, 6 new directional signs, and window graphics for the door entrances. The site is located at 200 W. 103rd St. and is zoned B-3/Business. Filed by Amanda Gates of Sign Craft Industries.

Present for Petitioner: Amanda Gates, 8862 Corporation Drive, Indianapolis.

Overview:

- Propose: 2 new identification ground signs, 6 new directional signs, & window graphics
- ID signs will provide better visual for patients and make offices easier to find
- Proposal will greatly increase visibility

Dept Report, Rachel Boone:

- Sign Package now complete and meets Ordinance Requirements
- Identification Monument Signs are 5 feet tall, located at entrances
- Directional signs are 3-4 feet in area; 3 feet tall
- All signs meet Sign Ordinance criteria
- Dept has no issues and recommends approval

Committee Questions/Comments:

- Color of Building? (tan and stucco—not green shades as shown in computer generated picture)

Motion: Woody Rider “to approve Docket No. 10020007 ADLS Amend, Spring Mill Medical Signage as presented to the Committee;” seconded by Steve Stromquist, Approved 4-0.

4. Docket No. 09100011 DP/ADLS: CVS Pharmacy at Rangeline Rd.

The applicant seeks site plan and design approval for a new retail building. The site is located at 1421 S. Rangeline Rd. and is zoned B-8/Business within the Carmel Dr. – Range Line Rd. Overlay Zone. Filed by Craig Forgey of Gershman Brown Crowley, Inc.

Present for Petitioner: Jon Dobosiewicz, Charlie Frankenberger, Nelson and Frankenberger; Tom Crowley, Gershman Brown Crowley, and other members of the development team.

Overview:

- Site includes current CVS, northeast corner of Range Line Road and Medical Drive, and TACO Bell
- Taco Bell to be relocated on Carmel Drive (former Boston Market)
- Adjacent, area uses identified
- Redevelopment of site consists of removing existing 2 buildings and constructing one new building
- Proposed building to be 14,000 square feet & pulled up to the corner
- Engineering has preliminarily approved the design, but at this time, does not want parking constructed along Range Line Road
- Currently, petitioner will commit to sidewalk and existing curb profile along Range Line Road
- Petitioner commits to negotiate cost to construct the right-of-way with the City – such monies held in escrow until a later date
- Revised drawings of the building include the following changes: Brick inlay elements and cast-stone sills typically seen in older buildings have been added along the south elevation. The retaining wall along the east end of south façade has been broken up. The corner element—brick wainscoting has been wrapped around the bottom element so there is no confusion as to the location of the entry
- Petitioner is requesting that this item be forwarded to Plan Commission with positive recommendation for final consideration

Dept Report, Christine Barton-Holmes:

- Alternative Transportation Coordinator has asked for an ADA ramp to be placed across Range Line Road as well as Medical Drive and included on the site plan
- Department Report speaks for itself

Sign Comments, Rachel Boone:

- Petitioner was asked to reduce number of signs under 3 square feet
- Petitioner has submitted a new sign package in response
- Overall, signage is OK and within allowable under the Ordinance

Committee Comments:

- Disappointed in amount of effort expended on this project by Staff in continuing to discuss corner entrance and on-street parking after being directed to “leave it alone”
- Future reference: When direction given by Plan Commission, would expect it to be followed
- Why did Dept/City hire an architect for this project?
- Opposed to using City funds for architect
- Developer should be using his own funds to re-design project

- Entrance at northwest corner is confusing
- Width of path on Medical Drive?
- Berm between path and street?
- Window signage?
- Two favorable comments regarding design
- Can green roof be added or partially added to reduce need for underground stormwater? (on-site retention is more than actually needed)

Response, Director, Michael Hollibaugh:

- Original design of building was something City did not want to see at this corner

Response, Jon Dobosiewicz:

- Path is a minimum of 10 feet and as great as 13 feet wide at other places—16 feet wide at the base of the building; along Range Line Road it is a minimum of 10 ½ feet wide
- No berm or grass median between path and street
- Petitioner will be adding more trees along Range Line frontage
- Window element is technically not signage. Petitioner to work with Historical Society to have pictures where red panel is shown (behind the window element)
- BZA approval was conditioned upon no window signage—nothing affixed to the window

Woody Rider suggested petitioner secure two estimates regarding monies to be set aside in escrow for future construction of roadway improvements (on-street parking.)

Motion: Woody Rider “To send Docket No. 09100011 DP/ADLS, CVS Pharmacy at Rangeline Road to the full Plan Commission with a positive recommendation, **conditioned upon** the average of two estimates from petitioner deposited into City escrow for Thorougfare Plan Fund, to be used for roadway improvements.” The motion was seconded by Steve Stromquist, voted 4-0 to approve the positive recommendation with condition.

5. Docket No. 0910009 DP/ADLS: Long Branch Market w/Kroger (Altum’s site.)
The applicant seeks site plan and design approval for a multi-tenant commercial development with Outlots. The site is located at 11335 N. Michigan Rd. It is zoned B-3/Business and located partially within the US 421/Michigan Rd. Overlay. Filed by Robert Barker of Zinkan & Barker Development Co. LLC.

Present for Petitioner: Jon Dobosiewicz, Land Use Professional, Nelson and Frankenberger, Charlie Frankenberger, Nelson and Frankenberger; Dan Deseccio, Kroger; Bob Barker, Zinkan & Barker; Rich Kelley, ENH&T.

Overview—Summary of Exhibits Discussed:

- Issue re truck/refrig units/tractor trailer—resolved
- Auto/truck repair limited to passenger vehicles in a standard repair bay
- Trash removal, resolved
- Mounding/Fencing/Wall—height and location discussed, will be commitment
- 18 additional evergreens to be planted—fill in gaps where trees have died
- No pole lights north of grocery or “B” shop buildings
- B-shop Drive-thru hours discussed
- No fast-food drive thru in the “B” shops (no menu boards)
- Pharmacy drive-thru hours limited – 7:00 AM to 9:00 PM
- Truck delivery hours & logs discussed

- Organic Trash Compactor hours of operation discussed
- Testing of Kroger back-up electric generator to be done once/week on Fridays at 11:00 AM
- Fuel Center discussed – outdoor speaker/attendant to vehicle
- Setbacks and buffers discussed—will be in commitments, minimum buffer between 100 to 300 feet being provided; building setback of 190 feet minimum being provided
- Exhibit pinpoints construction of wall
- Petitioner will not provide sidewalk connection to Townhomes unless required by City of Carmel
- Sanitary sewer and individual easements being provided to 5 lots in Woodhaven
- Kroger, at its expense, will construct a 3 inch diameter forced main and provide easement to service remainder of lots and develop a plan to access sewer system
- Petitioner commits to no outdoor storage on site—outdoor sales only in identified area between colonnades at entrance
- Re 421 Overlay: beyond area of 400 feet, Overlay standards do not apply—petitioner is proposing to extend all requirements of the Michigan Road Overlay with 3 exceptions: drive-thru(s) would be permitted; 98,000 square feet of retail would be allowed across entire property; (85% rather than 75% retail) and wall versus fence—wall to be constructed is not considered a fence and will not be governed by fence standards in the Ordinance.
- Petitioner is providing 4 to 12 times required buffer at east border adjacent Fehsenfeld property
- Mechanical screening per exhibits
- Any non-deciduous tree will be re-planted by a tree of the same height or 12 feet, whichever is less
- Michigan Road path to be open and clean except when under construction
- Location of Dumpster enclosure agreed upon, also bee control
- Review of Uses—no outdoor kennel; no outdoor, live entertainment; NO car wash; Dry Cleaning Facilities restricted in type of dry cleaning fluid used
- Visibility of signs from Woodhaven neighborhood – signs will not be visible

Dept Report, Christine B-Holmes:

- Contact Williams Realty – will meet next week re internal drive connection
- Alternative Transportation issues addressed – will leave to Plan Commission's discretion
- Hamilton County Surveyor has no issues
- Dept recommends moving forward to March 16 meeting

Committee Comments/Questions:

- Generator noise & Testing procedures (Kroger to address)
- Hours for drive thru facilities all same?
- Permitted Uses?
- Committee Agreed on NO car wash
- Trees—who polices and replaces dead/dying?
- Where does wall end on north side? (request something to block site)

Response to Committee Questions:

- City Urban Forester does initial inspection
- Owner of land where dead/dying trees exist will replace
- Petitioner consulting with adjacent residents regarding placement of trees
- No necessary to extend wall between two commercial properties
- Wall will transition north and east, 20 feet

Open to Public Comments:

- Casey Carter, Much Markle Drive: Requests clarification re sidewalk, trash removal commitment—

compactor as well as removal—request noise control language be included in commitments—suggest no compacting during prohibited hours on outdoor unit. Maintenance re trees and grass—weeded constantly? (yes) Why do the Townhomes and Fehsenfeld property not have access point for sidewalk—only Woodhaven subdivision. Response: Sidewalk provided at least resistance between two points; page one, tab 5 shows sidewalk to be constructed.

- Kevin Thomas, Woodhaven – already commitments on property—if committee approves laundry list of requested items, it violates zoning of property.
- Ted Robinson, Woodhaven, also speaking for Julie Camden, resident of Woodhaven who could not attend. Regarding connection for sewer line—requirement for lift station? -- (Jon Dobosiewicz, response: gravity flow – has spoken to Julie Camden regarding same.) B-shop drive thru—hours same as pharmacy – drive thru closest to Julie’s house – midnight too late to have a functioning drive thru. (Jon D says commitment for hours self-imposed—B-shops, inside microphones, 7:00 AM to midnight only – again self-imposed—no speaker audible within 100 feet.) Mr. Robinson says the concern is “horn-beeping” cars at drive-thru – it is reasonable to ask for earlier hours of drive thru. Also a concern: car wash and auto/truck repair on the list of uses.
- Brian Shapiro, Woodhaven – service station—request brick material on kiosk in front to screen. Dept response: “Feels screening is appropriate—kiosk is behind pumps.” Brian asked about sidewalk—from Michigan Road to Kroger? (yes) Wall from Ankrum’s house – able to see buildings? Is restaurant considered retail?
- Steve Pittman, Sandor Court, (developer of Weston Pointe) Property Advocacy Group hired by Fred Fehsenfeld. Asks for clarification of wall section – 4 inches thick – in commitments? (yes) Fehsenfeld property—asked for sanitary sewer easement – not shown on exhibit – easement would be at Fehsenfeld’s expense. How are hours enforced? (Dept, Code Enforcement and fines levied) Time-stamped log for Kroger deliveries discussed. Extension of sewer on site—single EDU for cabin on site. Steve Pittman asks that truck traffic be limited between 9:00 pm and 7:00 AM
- Joe Sullivan, Sound Engineer from Purdue University. Stated that barrier technique is mature—USDOT funded study of barriers similar to ones being proposed—very effective. Without barrier, sound energy spreads out and intensity decreases. Barrier deflects sound upward. Diesel trucks have wide frequency range—low sound rolls over the wall. Daytime—truck noise on Fehsenfeld property would be no higher than ambient level—range of 45-55 decibels. Truck noise may be tolerable, but “beep” will stand out. Truck noise does not drop at night, engine noise will be prominent—wall must be long enough to deflect noise.
- Lynn Robinson, Woodhaven – concern regarding committed uses – fast foods allowed on outlots? (yes) not sure of benefit of this development to citizens, may tax dollars to City – perhaps office use would be preferable.
- Vivian Cane, owner of Montessori School, objects to sidewalk – noise level is a concern, nature is key for this location, requests protection of trees, green space, greenery, and visibility – does not want to buffer at her expense.
- Jon Dobosiewicz – landscaping proposed along perimeter of parking lot – sidewalk was already approved. Proposal not only conforms to corridor, it Exceeds buffering and requirements.

Uses Reviewed Again: Uses, Delivery Hours, Drive Thru Hours, Pharmacy Drive Thru, B-Shops, Out-lots, Fast Foods, outdoor sales, auto/truck repair, sensor strips, mounding, wall, landscaping, etc.

Sidewalk needs to be in a common sense place or pedestrians will create their own path. Would like an automobile connection -- (Ripma) DOCS will be happy to work out sidewalk issue with petitioner.

Jon Dobosiewicz – landscaping – will change hedgerow to evergreens, 8 feet at planting, shoulder-to-shoulder, and will provide a sketch of proposed landscaping plan.

The revisions in the Commitments were then restated by Charlie Frankeberger as noted below:

Proposed Commitments—Docket No. 01900009 DP/ADLS, Long Branch Market w/Kroger

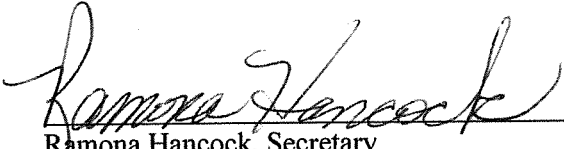
1. No Car Wash
2. Dry cleaning facilities shall not use traditional dry cleaning fluid, commonly known as “PERC,” and formally known as “tetrachloroethylene.”
3. Auto/truck repair is limited to passenger motor vehicles, including pick-up trucks and deck vans that will fit into a repair bay which is sized to accommodate passenger motor vehicles and, as such, which is not oversized, for instance, to accommodate semi trucks, diesel tractors, semi-tractor trailers and/or box trucks.
4. Only 1 automobile fuel station allowed, as indicated on the final approved plans.
5. The back-up electric power generator in the grocery store would be tested once per week, at 11 a.m. on Friday.
6. The wall will be extended along the northern property line approximately 20 feet west from the southeast corner of the existing Aaron-Ruben-Nelson Mortuary.
7. The wall will be 4” thick
8. If the City receives a claim of a violation of the commitment regarding delivery truck hours, then, at the City’s written request, Kroger will provide to the City copies of available delivery log records that are relevant to the issue of whether such violation occurred.
9. The time period during which truck deliveries are prohibited is from 8:00 p.m. to 7:00 a.m. instead of from 9:00 p.m. to 7:00 a.m.
10. The mound and the wall will be continued, on a straight line (without a jog to the west) and at a height of approximately 18 feet above finished floor elevation (FFE), north along the east line of the Property, and the 17 existing trees impacted by this continuation will be relocated. The cost of such relocation will be determined by the bids obtained by Kroger and will be split, 50/50, by (i) the Kroger and Z & B, who together will pay 1/2 and (ii) by Fred Fehsenfeld, who will pay the other 1/2. Fred Fehsenfeld will effect the relocation of the trees. Fred Fehsenfeld will be responsible for replacing any trees which die by reason of the relocation.
11. The owners of the Property and Fred Fehsenfeld will enter into a sanitary sewer easement, on terms and conditions mutually acceptable to the parties and in the area identified on the Sanitary Lateral

Plan as the "Sewer Extension," so that the owner of the East Real Estate may, at Fred Fehsenfeld's sole cost and expense, install sanitary sewer providing service not to exceed 1 EDU to the recreation barn now existing on the East Real Estate.

12. The B-Shop drive-up/pick-up window shall not operate between the hours of 10:00 p.m. and 7:00 a.m. and further, will not utilize an intercom system but, instead, will use a sensor strip which communicates to those inside the B-shops the presence of a motor vehicle at the drive-up/pick-up window.
13. Evergreen trees will replace the hedges shown on the landscape plan along the segment of the Property contiguous with the Montessori School to the south in Weston Pointe.
14. The organic trash compactor located in the loading dock area of the grocery store will not operate between the hours of 8:00 p.m. and 7:00 a.m.

Motion: Sue Westermeier, "To forward Docket No. 01900009 DP/ADLS, Long Branch Market w/Kroger (Altum's Site) to the Plan Commission with a positive recommendation, including and conditioned upon all commitments made tonight and recorded by Ramona Hancock." The motion was seconded by Woody Rider, Approved 4-0.

The meeting adjourned at 9:50 PM.


Rick Ripma, Chairperson
Ramona Hancock, Secretary